

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-21 are pending in the present application. Claims 1, 8, 11, 14, 17 and 19 have been amended without the introduction of any new matter. Page 5 of the Specification has also been amended to a correct typographical error without the introduction of any new matter.

In the outstanding Office Action, Claims 1-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Pinzon (U.S. Patent No. 6,161,005) in view of Mattes et al. (U.S. Patent No. 6,380,842, herein "Mattes"). That rejection is respectfully traversed.

Amended independent Claim 1 is directed to a barrier operator system for moving a barrier between open and closed positions that includes at least one remote controller. The at least one remote controller is adapted for signal transmitting communication with a base controller and includes a speech activatable unit. The speech activatable unit includes a speech recognition module programmable to recognize one or more spoken gateway words and one or more spoken command words for effecting operation of the barrier to move between the open and closed positions. Amended independent Claim 14 includes similar features regarding the speech recognition module.

In a non-limiting example, Figures 1 and 3 illustrate a remote speech activated controller unit 50 that includes a speech activation unit 53 programmed to recognize spoken words for controlling operation of a remote system, such as base controller 17 (see also page 2, paragraph 20). In another non-limiting example, Figure 6A illustrates that the speech activation unit 53 (module 60) is trained to recognize a gateway word 100, such as "Overhead", followed by one or more command words 104, such as "lights" or "garage door", to send an appropriate signal to the remote system (see also page 3, paragraph 27). As

such, the gateway word activates processing and is distinct from the one or more command words.

Mattes does not teach or suggest use of a speech recognition module programmable to recognize one or more spoken gateway words **and** (emphasis added) one or more spoken command words. Further, Mattes does not teach or suggest using spoken words for effecting operation of a barrier to move between open and closed positions. Instead, Mattes discloses a single linguistic enciphering command, such as “activate” or “inactive”, used as an additional code for theft protection and entered by the user via a microphone to activate an electronic key 2 (see column 5, lines 24-27; column 8, lines 9-22; and Figure 3). Mattes discloses that the electronic key 2 is then inserted into an ignition lock 3 and that a subsequent operation exchanges at least one coded operating signal 9 between the electronic key 2 and the ignition lock 3 to release the ignition lock 3 (see column 4, line 38 to column 5, line 23; column 9, lines 22-26; and Figure 1). Thus, unlike the claimed invention which recites spoken words for effecting operation of a barrier to move between open and closed positions, Mattes teaches that linguistic enciphering commands are used merely to activate or inactivate the electronic key itself. A separate operation after the electronic key is inserted into the lock results in locking or unlocking the device. Pinzon does not overcome the above-noted deficiencies of Mattes. In particular, Pinzon fails to disclose speech recognition entirely.

As stated in M.P.E.P. §2143, a basic requirement for a *prima facie* case of obviousness is that the prior art reference (or references when combined) must teach or suggest all the claim limitations. As the cited references do not teach or suggest the feature of a speech recognition module programmable to recognize one or more spoken gateway words and one or more spoken command words nor spoken words for effecting operation of

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a barrier to move between open and closed positions, it is respectfully submitted the outstanding Office Action has not created a *prima facie* case of obviousness with regard to independent Claims 1 and 14, and the claims dependent therefrom.

Accordingly, it is respectfully requested this rejection be withdrawn.

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CONCLUSION

In light of the arguments set forth above, Applicant respectfully submits that the Application is now in allowable form. Accordingly, Applicant respectfully requests consideration and allowance of the currently pending claims.

It is believed that no additional fees are due at this time. If this is incorrect, Applicant hereby authorizes the Commissioner to charge any fees, other than issue fees, that may be required by this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call Applicant's Attorney for any reason that would advance the current application to issue. Please reference Attorney Docket No. 125426-1028.

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Respectfully submitted,

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